

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
v.) No. 01 CR 469
) Judge Conlon
BAINBRIDGE MANAGEMENT, L.P.,)
f/k/a BRADDOCK MANAGEMENT, L.P.;)
BAINBRIDGE MANAGEMENT, INC.,)
f/k/a BRADDOCK MANAGEMENT, INC.,)
f/k/a WALDO POINT MANAGEMENT;)

FILED
MAY 17 2002
Judge Suzanne B. Conlon
United States District Court

U.S. DISTRICT COURT
CHICAGO, ILLINOIS
JAN 16 2003

GOVERNMENT'S PROPOSED VOIR DIRE QUESTIONS

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, the United States Attorney for the Northern District of Illinois, Eastern Division, respectfully proposes the following voir dire questions in addition to the standard questions:

1. Have you or any of your relatives or close friends ever been arrested or investigated for, or convicted of, a crime, other than a minor traffic violation? If so, what were the circumstances?
2. Have you or any of your relatives or close friends had any experience with a law enforcement agency that would make it difficult for you to be fair to both sides in this case?
3. Do you hold any philosophical, moral, religious, political, or other beliefs that would prevent you from judging the acts of another person?
4. Do you have any beliefs that would make it difficult for

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you to be fair to both sides in a case that had been investigated by the FBI?

5. You may hear testimony from law enforcement agents. You should consider the testimony of such agents in the same manner as you consider the testimony of any other witness. Would the fact that a witness works for a law enforcement agency affect your ability to consider his testimony in the same manner as the testimony of any other witness?

6. Do you have any beliefs regarding the constitutionality or morality of the federal laws, including wire fraud, mail fraud, health care fraud, racketeering, or medicare anti-kickback laws that would make it difficult for you to be fair to both sides in a case involving the enforcement of those laws?

7. Have you ever served on a jury before? If so, what was the nature of the case and did that jury deliberate and reach a verdict?

8. Do you have a family member or close friend who works with or in any law enforcement agency?

9. Do you have any family member or close friend that works with or is a lawyer who practices in the area of criminal law, or who is a private investigator?

10. Have you, any member of your family, or any close friend ever had any personal experience with any branch of federal, state, or local government that would cause you to be unfair to the

government or the defendant?

11. Some of the evidence you will hear concerns an investigation in which cooperating witnesses were used and conversations were secretly tape recorded by law enforcement agents. These are each lawful investigative techniques. Do you have any views about the use of cooperating witnesses which would make it difficult for you to be fair to the government in this case? Do you have any views about the use of surreptitious recording devices which would make it difficult for you to be fair to the government in this case?

12. The judge will instruct you about the applicable law. It is your obligation to follow those instructions about the law, whether you agree with the law or not. Do you have any difficulty with the notion that you must accept and follow the Court's instructions?

13. Have you or any of your relatives or close friends ever worked in the health care field or had any experience with the health care field that would make it difficult for you to be fair

to both sides in this case?

CONCLUSION

WHEREFORE, the government respectfully requests that the Court ask the voir dire questions listed above.

Respectfully submitted,
PATRICK J. FITZGERALD
United States Attorney

By:

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